

Message Text

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PAGE 01 STATE 000096
ORIGIN L-03

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FM SECSTATE WASHDC
TO AMEMBASSY BONN
INFO AMEMBASSY BERLIN

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E.O. 11652: N/A

TAGS: PGOV, GW

SUBJECT: REMUNERATION OF JUDGES OF SUPREME RESTITUTION
COURT - HERFORD

REF: BONN A-351

1. PURSUANT TO REQUEST IN PARA. 11 OF REFAIR EMBASSY IS
AUTHORIZED TO WORK OUT WITH REPRESENTATIVES OF U.K. AND
FRENCH EMBASSIES A PROPOSAL REGARDING REMUNERATION OF THE
NON-GERMAN SRC JUDGES AS FOLLOWS:

2. U.S., U.K. AND FRENCH JUDGES OF SRC TO BE PAID ON THE
BASIS OF A CERTAIN PERCENTAGE OF FULL-TIME SALARY OF AN
FSC JUDGE. U.S., U.K. AND FRENCH JUDGES SHOULD IN
PRINCIPLE RECEIVE EQUAL REMUNERATION UNLESS THERE IS A
GROSS DISPROPORTION IN CASELOADS OF THE VARIOUS DIVISIONS
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PAGE 02 STATE 000096

OF THE COURT.

3. DEPARTMENT DOES NOT FAVOR SECOND ALTERNATIVE SET FORTH
IN PARA. 11 REFAIR WHICH WOULD AUTHORIZE REMUNERATION ON
BASIS OF NUMBER OF DAYS AN INDIVIDUAL JUDGE DEVOTES TO HIS
JUDICIAL FUNCTIONS. WHILE THIS WOULD APPEAR TO BE TAKING
INTO ACCOUNT DIFFERENCES IN WORKLOAD, IN FACT, EXCEPT IN

CASES OF GROSS DISPROPORTION IN WORKLOADS, IT PUTS A PREMIUM ON BOTH SLOWNESS IN COMPLETING WORK AND INFLATION OF WORK. APPARENTLY THE PRESENT SYSTEM OF COMPENSATION SUFFERS PRECISELY FROM SUCH DEFECTS AND IT WOULD APPEAR MORE DESIRABLE TO ELIMINATE THAN TO MITIGATE THEM. IF AGREEMENT CAN NOT BE REACHED ON BASIS OF PERCENTAGE OF REMUNERATION OF FULL-TIME JUDGES, THEN ALTERNATIVE OF REMUNERATION ON A DAILY BASIS SHOULD BE ACCEPTED ONLY IN CONNECTION WITH ADEQUATE SAFEGUARDS, SUCH AS FACTORING IN THE DIFFERING CASELOADS OF THE DIVISIONS OF THE COURT, IN ORDER TO ENSURE THAT PRESENT INEQUALITIES ARE ELIMINATED.

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
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Current Classification: UNCLASSIFIED
Concepts: BERLIN QUADRIPARTITE MATTERS, WAGE RATES, JUDGES
Control Number: n/a
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Sent Date: 03-Jan-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
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Litigation History:
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